

DEPARTMENT OF ENERGY
DELEGATION ORDER NO. 0204-167
TO THE ASSISTANT SECRETARY FOR ENVIRONMENTAL MANAGEMENT

Pursuant to the authority vested in me as Secretary of Energy (“Secretary”) and by Section 642 of the Department of Energy Organization Act 42 U.S.C. § 7252, the Assistant Secretary for Environmental Management (Assistant Secretary) is hereby delegated, on a nonexclusive basis, authority to assert the Federal Government’s deliberative process privilege with respect to any matters arising under his or her cognizance. This delegation is made to protect internal predecisional DOE documents in judicial or administrative proceedings in situations where the court may require the claim to be formally asserted by an affidavit from an agency official. The authority delegated to the Assistant Secretary by this Order may be further delegated, in whole or in part, as may be appropriate. In exercising the delegated authority, the delegate(s) shall be governed by the rules and regulations of DOE and the policies and procedures prescribed by the Secretary or his delegate(s).

All actions pursuant to any authority delegated prior to this Order or pursuant to any authority delegated by this Order taken prior to and in effect on the date of this Order are hereby confirmed and ratified, and shall remain in full force and effect as if taken under this Order, unless or until rescinded, amended or superseded.

Nothing in this Order shall preclude the Secretary from exercising any of the authority hereby delegated whenever, in his judgment, the exercise of such authority is necessary or appropriate to administer the function vested in him.

This Order is effective September 18, 1998.

_____/s/_____
Bill Richardson
Secretary of Energy